

JOE WARDY
MAYOR



CITY COUNCIL

SUSAN AUSTIN
DISTRICT NO. 1

ROBERT A. CUSHING, JR.
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO
DISTRICT NO. 3

JOHN F. COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

VIVIAN ROJAS
DISTRICT NO. 7

ANTHONY W. COBOS
DISTRICT NO. 8

REGULAR COUNCIL MEETING
COUNCIL CHAMBERS
MAY 11, 2004
9:00 A.M.

The City Council met in regular session at the above place and date. Mayor Joe Wardy present and presiding and the following Council Members answered roll call: Susan Austin, Robert A. Cushing, Jr., Jose Alexandro Lozano, John F. Cook, Daniel S. Power, Vivian Rojas and Anthony W. Cobos. Late Arrival: Paul J. Escobar 9:12 a.m. Absent: None. Meeting was called to order at 9:10 a.m. and the invocation was given by Police Chaplain Clift Barnes, followed by the Pledge of Allegiance to the Flag of the United States of America.

MAYOR'S PROCLAMATIONS

1. ***Nurses Week***
2. ***National Tourism Week***
3. ***National Police Week***

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Director of the El Paso Public Library be authorized to accept the donation of a Yamaha Baby Grand Piano, 4'11" GA 1-E Model in Ebony, valued at \$7,000, from The Friends of the Northeast Library, Mrs. Linda Littleton in memory of Myrle Littleton, and an anonymous donor, for the Richard Burges Branch of the El Paso Public Library System. The piano will be used at the branch for year-round programming for all ages and such special music programs as the Piatigorsky Foundation Musical Concerts.

Ms. Ivonne Jimenez, Library Extension Services Administrator, was honored to accept the donation and thanked all library volunteers for their service.

Motion made by Representative Cook, seconded by Representative Lozano and unanimously carried to approve the above Resolution.

NOTE: This resolution was considered together with the next resolution.

RESOLUTION

WHEREAS, Patricia and Jonathan Rogers have provided donations and have pledged to provide future donations to the El Paso Museum of Art Foundation totaling \$500,000; and

WHEREAS, pursuant to the El Paso Museum of Art Foundation Naming Policy, such donations satisfy the Giving Guidelines and meet the goal for naming a space in the Museum of Art in honor of the donors; and

WHEREAS, the El Paso Museum of Art Foundation, the staff of the El Paso Museum of Art, and the Museum of Art Advisory Board recommend that the Grand Lobby on the first floor of the Museum of Art be named the "Patricia and Jonathan Rogers Grand Lobby"; and

WHEREAS, the City Council of the City of El Paso desires to approve such naming of the Grand Lobby in honor of Patricia and Jonathan Rogers;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Grand Lobby of the El Paso Museum of Art shall be named the "Patricia and Jonathan Rogers Grand Lobby" in honor of the generous and continued support of these long-time benefactors of the Museum.

Ms. Becky Duvall-Reese, Director of Museums, thanked the Rogers family for their generosity.

Mr. Jack Maxon, Museum Foundation Board Member, thanked the Rogers family for their generous contributions and support of the El Paso Museum of Art.

Mayor Joe Wardy and Representative Cook thanked the Rogers family for the contributions.

Motion made by Representative Cook, seconded by Representative Lozano and unanimously carried to approve the above Resolution.

NOTE: This resolution was considered together with the previous resolution.

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Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried to recess the City Council Meeting to discuss the Mass Transit Board Meeting at 9:26 a.m.

.....
Motion made by Representative Cushing, seconded by Representative Cobos and unanimously carried to reconvene to City Council Meeting from Mass Transit Board Meeting at 9:36 a.m.

.....
Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to approve, as revised, all matters listed under the Consent Agenda unless otherwise noted.
(Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {*}).

Representative Austin was not present for the vote.

The quorum was briefly lost during the reading of the revisions to the Agenda.

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*Motion made, seconded and unanimously carried to approve the Minutes for Regular City Council Meeting of February 18, 2003 and May 4, 2004 and Special City Council Meeting of May 3, 2004.
.....

Motion made, seconded and unanimously carried to move to the regular agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **ANTHONY R. TALAMO**, to assist the Building and Planning Services Department as a Capital Projects Manager at a biweekly rate of \$2,174.04 for 40 hours per week. The term of the contract shall be for the period of May 17, 2004 through November 16, 2004. Contract subject to the concurrence of the Civil Service Commission.

Representative Cobos moved to postpone the matter and added that in the interim he would like City staff to meet with Council Members and discuss the Capital Project Manager duties and responsibilities.

Ms. Patricia Aduato, Deputy CAO for Building and Planning Services, provided an explanation regarding the temporary appointment of Mr. Talamo and added that the Human Resources Department was in the process of creating the job specifications, testing, etc. from which an individual would be permanently selected. She answered questions from and responded to comments made by the Council Members.

Ms. Terry A. Bond, Director of Human Resources, explained that the position would be created within 4 to 6 months.

Representative Cook moved that the contract be modified to indicate 6 months and directed the Human Resources Department to create the Civil Service Position so that other individuals could apply for that position.

Representative Austin commented on allocating the position to the Capital Improvement Project budget. She emphasized the importance of the capital projects and the need to move forward on them.

Mayor Joe Wardy addressed the Capital Improvement Projects and commented it was the Council's decision to create the temporary position.

Motion made by Representative Cook, seconded by Representative Power and unanimously carried to approve the above Resolution with the amendment of a six-month term of contract and to direct the Human Resources Department to create the Civil Service position.

NOTE: The term of the contract was revised from "May 17, 2004 through May 16, 2005" to "May 17, 2004 through November 16, 2004".

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Council approve a Letter of Engagement between the City of El Paso and Norman J. Gordon, Attorney at Law, Mounce, Green, Myers, Safi & Galatzan, a Texas Professional Corporation to consult with the City on all aspects relating to the matter of the APPLICATION OF EL PASO ELECTRIC COMPANY FOR AUTHORITY TO RECONCILE FUEL COSTS, PUC DOCKET NO. 26194, SOAH DOCKET NO. 473-03-0278.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the El Paso Museum of Art be authorized to serve beer and wine at One Arts Festival Plaza at the reception for Corporate Members on May 20, 2004, from 5:30 p.m. to 7:30 p.m.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the following special events agreement for space in the El Paso Museum of Art. Licensee is requesting permission to serve alcohol in the premises.

Event:	Street Festival
Licensee:	Regent Broadcasting
Date:	July 3, 4 & 5, 2004
Time:	4:00 p.m., July 3 - 3:30 a.m. July 5
Charge for Space:	\$2,000.00
Charge for Staff (est.):	\$1,280.00
Insurance:	(will carry their own)
Area(s):	Arts Festival Plaza

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign and submit a Grant Application to the National Endowment for the Humanities on behalf of the City of El Paso. The amount is for \$2,000.00, which will be used by the El Paso Museum of History to purchase storage furniture and acid-free containers for its photograph collection.

***RESOLUTION**

RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN APPROVAL OF ASSIGNMENT AND LANDLORD'S ESTOPPEL CERTIFICATE FOR A PARKING AND LOADING AREA GROUND LEASE AGREEMENT WITH HEINZ PET PRODUCTS, APPROVING THE ASSIGNMENT OF SAME TO PROSPERITY III, LTD., LP. THE LEASED PROPERTY CONSISTS OF 0.929 ACRES OF LAND BEING A PORTION OF PARCEL ONE, SECTION 17, BLOCK 81, TOWNSHIP 2, T&P RAILROAD SURVEY AT MARSHALL ROAD AND PLANE PORT LOOP, EL PASO COUNTY, TEXAS.

WHEREAS, there exists a 40-year ground lease agreement for parking and loading use between the City, acting by and through the El Paso Water Utilities, and Heinz Pet Products, Inc., for a 0.929 acre parcel of land under the jurisdiction of the Public Service Board (PSB), located at Marshall Road and Plane Port Road, El Paso, El Paso County, Texas; and,

WHEREAS, pursuant to the terms of the lease, the City and PSB must give prior written approval to the assignment of the lease. Heinz Pet Products, Inc., has requested the approval of its assignment of the lease premises to Prosperity III, Ltd., LP and Prosperity III, Ltd., LP shall assume all the obligations and duties of lessor under the lease; and,

WHEREAS, the City Council finds it to be in the public interest to approve Heinz Pet Products, Inc.'s assignment of the lease premises to Prosperity III, Ltd., LP, a portion of Parcel One, Section 17, Block 81, Township 2, T & P Railroad Survey, El Paso, El Paso County, Texas; NOW THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:

The Mayor is hereby authorized to sign the Lessor's Approval of Assignment and Landlord's Estoppel Certificate for the said lease on behalf of the City of El Paso, Texas, for a 0.929 acre parcel of land located at Marshall Road and Plane Port Loop, being a portion of Parcel One, Section 17, Block 81, Township 2, T & P Railroad Survey, El Paso, El Paso County, Texas.

.....
Motion made, seconded and unanimously carried to move to the regular agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor is hereby authorized to sign a Letter of Agreement, and any related documentation, with the El Paso Electric Company to provide for electrical service for Valley Creek Park located at 651 Gomez Road. Said service shall consist of an underground electrical system. Total cost to the City shall not exceed TWENTY SEVEN THOUSAND THREE HUNDRED TWENTY-FIVE AND 56/100 DOLLARS (\$27,325.56).

Representative Cushing asked questions of Ms. Irene Ramirez, Interim City Engineer, regarding underground and overhead electrical service to the park and associated costs.

Ms. Ramirez provided explanation and noted that she would provide Representative Cushing with a cost as to placing overhead electrical service at Valley Creek Park.

Motion made by Representative Cushing, seconded by Representative Austin and unanimously carried to approve the above Resolution.

Representatives Lozano and Escobar were not present for the vote.

.....
Motion made, seconded and unanimously carried to move to the regular agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor is hereby authorized to sign a Letter of Agreement, and any related documentation, with the El Paso Electric Company to provide for the installation of underground electrical service to the Marty Robbins Recreation Center, located at 11600 Vista del Sol, El Paso, El Paso County, Texas. Said electrical service shall consist of an underground system consisting of a 227/480 volt, three phase, four wire. One (1) 300 KVA transformer will be installed to service the electrical load.

Representative Cushing questioned Ms. Irene Ramirez, Interim City Engineer, why the cost was not duly noted on the Agenda.

Ms. Ramirez explained that underground electrical service was currently available from which the City would connect to.

Motion made by Representative Cushing, seconded by Representative Austin and unanimously carried to approve the above Resolution.

Representatives Lozano and Escobar were not present for the vote.

Motion made, seconded and unanimously carried to move to the regular agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement granting an Underground Electrical Easement to the El Paso Electric Company on a Portion of Block 320, Vista Del Sol, Unit 66, El Paso County, Texas to provide service to the Marty Robbins Park Recreation Center located at 11600 Vista Del Sol Drive.

There was no discussion on the item.

Motion made by Representative Cushing, seconded by Representative Austin and unanimously carried to approve the above Resolution.

Representatives Lozano and Escobar were not present for the vote.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Affiliation Agreement by and between the City of El Paso ("City") and the Western Technical Institute ("Institute"), wherein the students enrolled in the Institute will participate in obtaining practical field experience with the City.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Library Director be authorized to sign an Exhibit Contract with Alejandro Montenegro covering an exhibit of "Books, Flyers, and Pamphlets related to Alcoholics Anonymous" at the Main Library of the El Paso Public Library System for the period of August 1 through 31, 2004. This exhibition is at no cost to the City.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign the "Park Partner" Agreement with the following organization for maintenance and other services on City property as described in the Agreement:

El Paso "Indios" Baseball Club Thomas Manor Park

AND THAT the Mayor be further authorized to sign additional documents and take additional action necessary to fulfill the purpose of this contract.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **ANGELICA TERRAZAS**, to assist the Parks and Recreation Department as an Outdoor Pool Manager at an hourly rate of \$7.30 for 40 hours per week. The term of the contract shall be for the period of May 14, 2004 through September 30, 2004. Contract subject to the concurrence of the Civil Service Commission.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **ALEJANDRO VARGAS, JR.** to assist the Parks and Recreation Department as an Outdoor Pool Manager at an hourly rate of \$7.50 for 40 hours per week. The term of the contract shall be for the period of May 14, 2004 through September 30, 2004. Contract subject to the concurrence of the Civil Service Commission.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to execute the following **INDEPENDENT CONTRACTOR** contracts on behalf of the **PARKS AND RECREATION DEPARTMENT**. Funding for these contracts is in fiscal year **2003/2004** appropriations to be approved by the City Council.

ACOSTA SPORTS CENTER

DEPARTMENT ID: 51010215, ACCOUNT 502215

1. CONTRACTOR: Noel Diaz, Scorekeeper
DATES: May 14, 2004 through August 31, 2004
RATE PER CL: \$6.25
MAXIMUM AMT: \$1,500.00
CONTRACT: **2003/2004-138**
2. CONTRACTOR: Joe V. Hernandez, Scorekeeper
DATES: May 14, 2004 through August 31, 2004
RATE PER CL: \$10.00
MAXIMUM AMT: \$2,400.00
CONTRACT: **2003/2004-139**
3. CONTRACTOR: Perry Huddleston, Scorekeeper/Umpire
DATES: May 14, 2004 through August 31, 2004
RATE PER CL: \$27.00
MAXIMUM AMT: \$1,350.00
CONTRACT: **2003/2004-140**
4. CONTRACTOR: Sergio Ruvalcaba, Tennis Instructor
DATES: May 12, 2004 through August 31, 2004
RATE PER CL: \$9.00
MAXIMUM AMT: \$396.00
CONTRACT: **2003/2004-141**

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following **EMPLOYEE CONTRACTOR** contracts on behalf of the **PARKS AND RECREATION DEPARTMENT**. Funding for these contracts is in fiscal year **2003/2004** appropriations to be approved by the City Council.

AQUATICS

DEPARTMENT ID: 51010281, ACCOUNT 501011

1. CONTRACTOR: Sabrina Cox, Swim Instructor Coordinator, Step 3
DATES: May 26, 2004 through September 30, 2004
RATE PER HR: \$7.20
CONTRACT NO: **2003/2004-254**
2. CONTRACTOR: Heather E. Curiel, Lifeguard, Step 2
DATES: May 12, 2004 through September 30, 2004
RATE PER HR: \$6.00
CONTRACT NO: **2003/2004-255**
3. CONTRACTOR: Aira A. Dolz, Swim Instructor, Step 1
DATES: May 12, 2004 through September 30, 2004
RATE PER HR: \$5.35
CONTRACT NO: **2003/2004-256**
4. CONTRACTOR: Christian A. Dolz, Swim Instructor, Step 1
DATES: May 12, 2004 through September 30, 2004
RATE PER HR: \$5.35
CONTRACT NO: **2003/2004-257**
5. CONTRACTOR: Nicholas S. Haddox, Lifeguard, Step 2
DATES: May 12, 2004 through September 30, 2004
RATE PER HR: \$6.00
CONTRACT NO: **2003/2004-258**
6. CONTRACTOR: Adrian Lopez, Swim Instructor, Step 1
DATES: May 12, 2004 through September 30, 2004
RATE PER HR: \$5.35
CONTRACT NO: **2003/2004-259**
7. CONTRACTOR: Reyes J. Manriquez, Swim Instructor, Step 1
DATES: May 12, 2004 through September 30, 2004
RATE PER HR: \$5.35
CONTRACT NO: **2003/2004-260**
8. CONTRACTOR: Jose A. Martinez, Swim Instructor, Step 1
DATES: May 12, 2004 through September 30, 2004
RATE PER HR: \$5.35
CONTRACT NO: **2003/2004-261**

9. CONTRACTOR: Jorge A. Rodriguez, Lifeguard, Step 2
DATES: May 12, 2004 through September 30, 2004
RATE PER HR: \$6.00
CONTRACT NO: **2003/2004-262**
10. CONTRACTOR: Yvette Sausamed, Swim Instructor, Step 1
DATES: May 12, 2004 through September 30, 2004
RATE PER HR: \$5.35
CONTRACT NO: **2003/2004-263**
11. CONTRACTOR: Vicente A. Sosa, Swim Instructor, Step 1
DATES: May 12, 2004 through September 30, 2004
RATE PER HR: \$5.35
CONTRACT NO: **2003/2004-264**
12. CONTRACTOR: Hernan Torres, Lifeguard, Step 2
DATES: May 12, 2004 through September 30, 2004
RATE PER HR: \$6.00
CONTRACT NO: **2003/2004-265**
13. CONTRACTOR: Liz D. Vasquez, Swim Instructor, Step 1
DATES: May 12, 2004 through September 30, 2004
RATE PER HR: \$5.35
CONTRACT NO: **2003/2004-266**

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Motion made, seconded and unanimously carried to move to the regular agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract with NORTONER to allow NORTONER to collect and recycle the City's used inkjet, toner and photocopier cartridges.

Ms. Lupe Cuellar, Deputy City Attorney, explained the Contract language for Council and noted that the City would receive 10% of Nortoner's gross proceeds, additionally, Nortoner would pay for the recyclable containers to be located at all City departments. She requested that the Council Members approve the contract Resolution and delete the concurrent discussion and action item. She clarified that the Nortoner program was a "pilot program" and encouraged other cartridge companies to participate.

Representatives Cobos, Cook, Power, Lozano and Austin made comments and/or asked questions of City staff.

Mr. Gerald M. Smola, Nortoner representative, thanked the Council Members for the opportunity to recycle the cartridges and hoped that other recycling programs would be established in the future. He reiterated that 10% of his gross income would be given to the City and answered questions from and responded to comments made by the Council Members.

Mr. Fernie Oronoa, PDS Toner Ink representative, explained that his company picks up empty cartridges from the Fire Department and provides the Department a credit. He questioned whether the Nortoner program, regarding the sell/return of cartridges, was a sole source contract and answered questions from and responded to comments made by the Council Members.

Mayor Joe Wardy explained that the Nortoner program was strictly for recycling cartridges and asked questions of the Legal Department.

Ms. Lisa A. Elizondo, City Attorney, provided legal advice and explained contract termination options.

Mr. Byron Johnson, Director of Purchasing, explained that if City monies were not expended, there would not be a procurement process and added that the contract was not exclusive of Nortoner.

Motion made by Representative Lozano, seconded by Representative Cushing and unanimously carried to approve the above Resolution.

NOTE: This resolution was discussed together with the discussion and action on entering into a pilot recycling program with Nortoner to collect, remove and transport, or dispose of the City's empty toner, fax, inkjet and photocopier cartridges through the setting up of collection containers in diverse locations in El Paso. This pilot program would serve a public purpose by providing a recycling opportunity after the recent public concerns regarding the lack of recycling efforts by the City of El Paso; any monies generated from this recycling effort are considered public funds; and the collections would fall within the legal requirements of a \$3,000.00 limit without calling for competitive bidding, as defined by Legal were considered together.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement with CRAZY CAT CYCLERY to provide One (1) Four (4) cubic yard Container for a service fee of \$15.00 for each month for the purpose of collecting the company's recyclable materials in conjunction with the Department of Solid Waste Management's recycling program.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement with FRANCIS PROPERTIES I, LTD. to provide One (1) Four (4) cubic yard Container for a service fee of \$15.00 for each month for the purpose of collecting the company's recyclable materials in conjunction with the Department of Solid Waste Management's recycling program.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Amendment to the Agreement with YSLETA INDEPENDENT SCHOOL DISTRICT, ON BEHALF OF EASTPOINT ELEMENTARY SCHOOL, passed and approved May 5, 2000, for One (1) 4 Cubic Yard Dumpster and Eight (8) 8 Gallon Baskets, to add Three (3) 35 Gallon Containers, for a total of One (1) 4 Cubic Yard Dumpster, Eight (8) 8 Gallon Baskets and Three (3) 35 Gallon Containers, for a service fee of \$ 20.00 for each month, in exchange for their recyclable materials in conjunction with the Department of Solid Waste Management's recycling program.

***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380, entitled Abatement, of Chapter 9.04, Solid Waste Management, of the El Paso City Code, after providing due notices to the owner, SANTAGUIDA, CHRISTOPHER, of the hereinafter described property that the owners' property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code, and the owners, having failed to comply with due notices, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Department of Solid Waste Management has reported the cost of doing such work in the amount hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

3403 CRAIGO AVENUE, City of El Paso, El Paso County, Texas, being more particularly described as Lot 679, BLOCK 38, Park Foothills Subdivision, Parcel #P324-999-0380-0800,

to be ONE HUNDRED FORTY THREE AND 97/100 DOLLARS (\$143.97) as reported by the Director of the Department of Solid Waste Management. The City Council finds that the work was performed on the Twentieth day of August, 2003, approves the costs.

2. The City Council, in accordance with Section 9.04.380 of the El Paso City Code, declares the above total amount ONE HUNDRED FORTY THREE AND 97/100 DOLLARS (\$143.97) to be a lien on the above described property, said amount being due and payable within thirty (30) days from date of Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of this Lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380, entitled Abatement, of Chapter 9.04, Solid Waste Management, of the El Paso City Code, after providing due notices to the owner, BAUTISTA, RICARDO JR & 1, of the hereinafter described property that the owners' property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code, and the owners, having failed to comply with due notices, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Department of Solid Waste Management has reported the cost of doing such work in the amount hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

to be TWO HUNDRED EIGHTY-TWO AND 53/100 DOLLARS (\$282.53) as reported by the Director of the Department of Solid Waste Management. The City Council finds that the work was performed on the Eighteenth day of November, 2003, approves the costs.

3. The City Clerk is directed to give notice of this Lien by filing a copy of this Resolution for record with the County Clerk.

***RESOLUTION**

WHEREAS, the Director of the Department of Solid Waste Management has reported the cost of doing such work in the amount hereinafter set forth;

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

to be EIGHTY TWO AND 81/100 (\$82.81) as reported by the Director of the Department of Solid Waste Management. The City Council finds that the work was performed on the Fourth day of December, 2003, approves the costs.

3. The City Clerk is directed to give notice of this Lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

.....
***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380, entitled Abatement, of Chapter 9.04, Solid Waste Management, of the El Paso City Code, after providing due notices to the owner, CENICEROS, HERMAN, of the hereinafter described property that the owners' property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code, and the owners, having failed to comply with due notices, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Department of Solid Waste Management has reported the cost of doing such work in the amount hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

945 Cornelius Drive, City of El Paso, El Paso County, Texas, being more particularly described as Lot NLY PT OF 227 (183.44 SQ FT ON ST – 207.41 FT OF NLY – 169.98 FT ON WLY – 138.39 FT ON SLY), Loma Terrace #5, Parcel #L541-999-001B-8300,

to be FOUR HUNDRED TWO AND 15/100 DOLLARS (\$402.15) as reported by the Director of the Department of Solid Waste Management. The City Council finds that the work was performed on the Eleventh day of November, 2003, approves the costs.

2. The City Council, in accordance with Section 9.04.380 of the El Paso City Code, declares the above total amount FOUR HUNDRED TWO AND 15/100 DOLLARS (\$402.15) to be a lien on the above described property, said amount being due and payable within thirty (30) days from date of Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of this Lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

.....
***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380, entitled Abatement, of Chapter 9.04, Solid Waste Management, of the El Paso City Code, after providing due notices to the owner, HARANN INVESTMENTS, INC., of the hereinafter described property that the owners' property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code, and the owners, having failed to comply with due notices, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Department of Solid Waste Management has reported the cost of doing such work in the amount hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

1201 Myrtle Avenue, City of El Paso, El Paso County, Texas, being more particularly described as Lot 17 & 18 (6000 SQ FT), Block 18, Franklin Heights Subdivision, Parcel #F607-999-0180-4600,

to be EIGHTY EIGHT AND 22/100 (\$88.22) as reported by the Director of the Department of Solid Waste Management. The City Council finds that the work was performed on the Fourth day of December, 2003, approves the costs.

2. The City Council, in accordance with Section 9.04.380 of the El Paso City Code, declares the above total amount EIGHTY EIGHT AND 22/100 (\$88.22) to be a lien on the above described property, said amount being due and payable within thirty (30) days from date of Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of this Lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a release of lien on the following property (legal description on file in the City Clerk's Office) for consideration paid to the City in full satisfaction of amount owed pursuant to these sanitation liens for:

	<u>Lien</u>	<u>Interest</u>	<u>Total Paid</u>
215 West Paisano Drive	\$103.92	\$56.98	\$160.90

.....
***NOTICE OF PUBLIC HEARING**

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 1st day of June, 2004 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 6127-6135 N. Mesa Street, in El Paso, Texas, which property is more particularly described as:

Tract: 21, A. F. Miller Survey 214 Abstract 3598

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Karl M. Friedman, 5647 A Cory Drive, El Paso, Texas 79932, is listed as the Owner of the real property described herein.

The Owner of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owner, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owners, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to City Council at this hearing.

The time periods, which govern the completion of work ordered by Council, are outlined in Subsection 18.52.040 (3) pursuant to State law.

If the Owner fails, neglects or refuses to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owner, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner shows that the property is the Owner's lawful homestead and;
- III) the Owner may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

.....

*NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 1st day of June, 2004 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 810 S. Oregon Street, in El Paso, Texas, which property is more particularly described as:

Lot: 15 and the South 16 Feet of Lot 14 and the North 1 Foot of Lot 16, Block 74, Campbell's Addition, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 2, Page 68, Plat Records of E Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Guadalupe Norman, 203 E. 7th Avenue, El Paso, Texas 79901 and Jose Roberto Avila, Jr., 810 S. Oregon Street, El Paso, Texas 79901, are listed as the Owners of the real property described herein.

The Owners of said property are hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owners, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owners, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to City Council at this hearing.

The time periods, which govern the completion of work ordered by Council, are outlined in Subsection 18.52.040 (3) pursuant to State law.

If the Owners fail, neglect or refuse to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owners, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owners for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owners show that the property is the Owner's lawful homestead and;
- III) the Owners may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owners and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

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*NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 8th day of June, 2004 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 231 Lolita Place, in El Paso, Texas, which property is more particularly described as:

Tract 10C11, Block 46, Ysleta Grant, an Addition to the City of El Paso, El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Juana G. Delgado, 231 Lolita Place, El Paso, Texas 79907, is listed as the Owner of the real property described herein.

The Owner of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owner, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owners, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to City Council at this hearing.

The time periods, which govern the completion of work ordered by Council, are outlined in Subsection 18.52.040 (3) pursuant to State law.

If the Owner fails, neglects or refuses to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owner, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner shows that the property is the Owner's lawful homestead and;
- III) the Owner may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

*NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 8th day of June, 2004 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 315 Kitt Road, in El Paso, Texas, which property is more particularly described as:

A portion of Lots 1 and 2, Caulder Subdivision, an Addition to the City of El Paso, El Paso County, Texas, according to the Map thereof on File in Book 6, Page 30, Plat Records of El Paso County, Texas, and the East 51 feet of Tract 7J2, Block 29, Ysleta Grant, an Addition to the City of El Paso, El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Wachovia Bank National Association, A National Banking Association as Trustee for the Long Beach Mortgage Loan Trust 2002-2, C/O Washington Mutual, P. O. Box 1093, Northridge, California 91328, is listed as the Owner of the real property described herein.

The Owner of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owner, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owners, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to City Council at this hearing.

The time periods, which govern the completion of work ordered by Council, are outlined in Subsection 18.52.040 (3) pursuant to State law.

If the Owner fails, neglects or refuses to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owner, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner shows that the property is the Owner's lawful homestead and;
- III) the Owner may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

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***NOTICE OF PUBLIC HEARING**

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 15th day of June, 2004 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 7361 Alameda Avenue Space V, in El Paso, Texas, which property is more particularly described as:

Tracts: 11B and 11C, Block 25, Ysleta Grant

According to the real property records of the County of El Paso, Texas, Alfredo and Delia Martinez, 4923 Knox Drive, El Paso, Texas 79904-3427, are listed as the Owners of the real property described herein.

The Owner, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to City Council at this hearing.

If the Owner fails, neglects or refuses to comply with the order of City Council the City may pursue one, or more of the following actions:

- Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

*Motion made, seconded and unanimously carried that the street and drainage improvements in the following subdivision be accepted for maintenance by the City. The improvements within the stated limits have been completed in accordance with the approved plans and specifications.

Subdivision: Sun Ridge Unit 11
Owner/Developer: Socorro Independent School District
Consultant: Brock and Bustillos Inc.

Street Improvements:

Sun Country Drive - from the northwest subdivision boundary line to the end of the construction at station 21 + 78.92

Drainage Improvements:

Retention Ponding Area - at Lot 2, Block 1; with a 2.842 ac. area and a 14.64 ac-ft. capacity; 1-Thurst Block Structure with Rock Rip-Rap; 35.0 ft. of 48" R.C.P.; 1118.0 ft. x 6.0 ft. high Rock Wall Fence; 368.0 ft. x 3.0 ft. high Rock Wall Fence; 368.0 ft. x 3.0 ft. Chain Link Fence; 1-18 ft. Double Swing Gate; and 135.0 ft. x 15.0 ft. Ramp/Flume with Rock Rip-Rap

Storm Drainage System - located at Sun Country Drive; 1-3 Grate Drop Inlet Type I

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*Motion made, seconded and unanimously carried to approve the request to fill the following positions on a temporary basis in accordance with Article VI, Section 6.6-3, of the Civil Service Charter Provisions:

- A. Shuttle Bus Operator (1)
- B. Laborer (43)
- C. Automotive Service Worker I (2)
- D. Automotive Service Worker I (1)
- E. Cashier Clerk (1)

.....
Motion made, seconded and unanimously carried to approve the following provisional appointment in accordance with Article VI, Section 6.6-2, of the Civil Service Charter Provisions:

Inventory Coder (1)

.....
Motion made, seconded and unanimously carried to move to the regular agenda the appointment of Vivian Rojas to the City of El Paso Property Finance Authority, Inc. Board of Directors by Council.

Representative Cook asked questions relative to the Property Finance Authority, Inc. Board of Directors.

Mayor Joe Wardy explained that Property Finance Authority, Inc. Board of Directors was similar to the Housing Finance Corporation.

Ms. Terri Cullen-Garney, Deputy City Attorney, provided further explanation regarding matters pertaining to the Property Finance Authority, Inc. Board of Directors and the Housing Finance Corporation Board.

Mr. Norman Gordon, bond counsel, stated that approximately \$1 million would be available for low to moderate income housing. He provided an in-depth explanation regarding bonds and added that he would make himself available to answer any questions the Council Members may have regarding funding issues, the Property Finance Authority, Inc. and Housing Finance Corporation Boards.

Representative Austin asked City staff questions pertaining to the Property Finance Authority, Inc. Board of Directors inception and requested that the Council Members delay taking action on the matter until further into the Agenda.

Mr. Bill Chapman, Deputy Chief Administrative Officer for Financial and Administrative Services, explained that the funding issues must be addressed by the end of the month.

Mr. Jim Martinez, Chief Administrative Officer, commented on the relationship of the Housing Finance Corporation Board and the City of El Paso Property Finance Authority, Inc. Board of Directors.

Motion made by Representative Cook, seconded by Representative Rojas and unanimously carried to appoint Vivian Rojas to the City of El Paso Property Finance Authority, Inc. Board of Directors by Council.

Motion made, seconded and unanimously carried to move to the regular agenda the appointment of Charlie Vinson to the City of El Paso Property Finance Authority, Inc. Board of Directors by Council.

See discussion on page 21.

Motion made by Representative Cook, seconded by Representative Rojas to appoint Charlie Vinson to the City of El Paso Property Finance Authority, Inc. Board of Directors by Council.

Motion made, seconded and unanimously carried to move to the regular agenda the appointment of Daniel S. Power to the City of El Paso Property Finance Authority, Inc. Board of Directors by Council.

See discussion on page 21.

Motion made by Representative Cook, seconded by Representative Rojas to appoint Daniel S. Power to the City of El Paso Property Finance Authority, Inc. Board of Directors by Council.

Motion made, seconded and unanimously carried to move to the regular agenda the appointment of Susan de la Vega to the City of El Paso Property Finance Authority, Inc. Board of Directors by Council.

See discussion on page 21.

Motion made by Representative Cook, seconded by Representative Rojas to appoint Susan de la Vega to the City of El Paso Property Finance Authority, Inc. Board of Directors by Council.

Motion made, seconded and unanimously carried to move to the regular agenda the appointment of Michael Bray to the City of El Paso Property Finance Authority, Inc. Board of Directors by Council.

See discussion on page 21.

Motion made by Representative Cook, seconded by Representative Rojas carried to appoint Michael Bray to the City of El Paso Property Finance Authority, Inc. Board of Directors by Council.

*Motion made, seconded and unanimously carried to approve installation, power, and maintenance of residential street light at the following location:

Alley behind 1006 S. Oregon St. Estimated cost is \$464.00

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*Motion made, seconded and unanimously carried that the following tax refunds be approved:

- A. UPS Supply Chain Solutions in the amount of \$15,038.61, overpayment of 2003 taxes.
(PID #1999-999-3027-0050)
- B. Sierra Title Co. in the amount of \$5,594.60, overpayment of 2003 taxes.
(PID #C340-999-1510-0800)

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*Motion made, seconded and unanimously carried that the Director of Purchasing be authorized to exercise the City's option to extend the term of the agreement for Two (2) additional years, from June 25, 2004 to June 26, 2006 pursuant to the provisions of Contract # 2002-171-C2 with Jobe Concrete Products, El Paso, Texas for Street Construction Material.

OPTION NO.: ONE [OF ONE]

Department: Street Department
Funds available: 32010200-01101-503203
Funding source: Street Operating Account-Street Maintenance
Total award: \$15,000.00 (annual estimate)

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*Motion made, seconded and unanimously carried to award Bid No. 2004-077 Ambulance Stretchers

Award to: Stryker EMS Equipment
Kalamazoo, MI
Item (s): #1
Amount: \$41,775.00

Department: Fire Department
Funds available: 508007-27260-04252003-PMB0004130
Funding source: FY03 City Capital Equipment-Certificates of Obligation
Total award: \$41,775.00

The Fire and Purchasing Departments recommend award as indicated to the Bidder offering the Best Value Bid.

This is a fixed-price, single (one-time) purchase, to purchase Ambulance Stretchers. There are options to purchase up to one hundred percent (100%) of the original contract quantities, at the same unit price, if the option is exercised within ninety (90) days and one hundred eighty (180) days from the date of award of the contract. No prompt payment discount was offered.

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*Motion made, seconded and unanimously carried to award Bid No. 2003-228R Pay Phone System for the City of El Paso

Award to: SBC
El Paso, TX
Item (s): All
Amount: \$104,547.00 (estimated year)

Department: Public Safety Technology
Funds available: Revenue
Funding source: Revenue
Total award: \$418,148.00 (estimated 4 years)

*Motion made, seconded and unanimously carried to award Bid No. 2004-136 Repair Service-Auto Radiator & Tanks

Award to: Willies Welding and Radiator Service
El Paso, Texas
Item (s): Part 1, Group 1 (all), Group II (all), Group III (all)
Group IV (all), Group V (all), & Group VI (all),
Part II, Item #1 & 1A
Amount: \$40,000.00 (estimated annually)

Department: Fleet Services
Funds available: 37370510-503121-503125-45202
Funding source: Fleet Service Internal Service Fund
Total award: \$120,000.00

The Fleet Service and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

Vendor offers the City the option to extend the term of the contract at the same unit prices for two (2) additional years if the option is exercised within two (2) years from the date of the award.

This is a Requirements Type Contract with an initial term of Thirty-Six (36) months.

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*Motion made, seconded and unanimously carried to award Bid No. 2004-137 Asphalt & Concrete Crushing Service

Award to: Jobe Concrete Products, Inc.
El Paso, Texas
Item (s): 1
Amount: \$220,000.00 (estimated annually)

Department: Department of Aviation
Funds available: 62620029-508027-PAP0030-41071
Funding source: Airfield Asphalt Milling
Total award: \$220,000.00 (estimated annually)

The Department of Aviation and the Purchasing Department recommend award as indicated to the lowest responsive offer, by definition meeting specifications, from responsible parties.

This is a twelve (12) month requirements-type Contract for Asphalt & Concrete Crushing Services for the El Paso International Airport.

Vendor offers the City the option of extending the term of the contract for twenty-four (24) additional months at the same unit prices.

Vendor does not offer a prompt payment discount.

The Contract will officially begin at 12:01 AM, May 12, 2004.
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*Motion made, seconded and unanimously carried to award Bid No. 2004-154 Magnesium Chloride Dust Control Agent

Award to: Texas Soil Control
El Paso, Texas
Item (s): Item #1 (all)
Amount: \$41,280.00 (estimated annually)

Department: Street Department
Funds available: 32010200-503203-01101
Funding source: Street Operating Account-Street Maintenance
Total award: \$123,840.00

The Street and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

Vendor offers the City the option to extend the term of the contract at the same unit prices for two (2) additional years if the option is exercised within two (2) years from the date of the award.

Vendor also offers the City a prompt payment discount of 2% 10 days.
This is a Requirements Type Contract with an initial term of Thirty-Six (36) months.

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*Motion made, seconded and unanimously carried to postpone one (1) week budget transfer BT2004-524
SOLID WASTE MANAGEMENT

To establish appropriations for sale of revenue bonds to purchase Solid Waste Management equipment for FY 04.

Increase	\$1,631,200	to	34340200/40415/508006	Veh Equip
Increase	\$ 60,000	to	34340200/40415/508008	OffEquip&App
Increase	\$1,546,600	to	34340200/40415/508029	Hvy/OffRdEqp
Increase	\$3,237,800	to	34340200/40415/407020	Bond Proc

.....
*Motion made, seconded and unanimously carried to approve budget transfer BT2004-675 COMMUNITY
AND HUMAN DEVELOPMENT

This transfer will fund the additional construction amount needed to complete the redesigned Doniphan Park Project that originally came in over budget by transferring a portion of the Logan Park Project's construction account to the redesigned Doniphan Park Project construction to fund the construction redesign account.

Decrease	\$16,000	from	71150069/G7128CD007507763/508027	Construction
Increase	\$16,000	to	71150069/G7128CD007407762/508027	Construction

.....
*Motion made, seconded and unanimously carried to delete budget transfer BT2004-694 SOLID
WASTE MANAGEMENT

To appropriate funds necessary to construct perimeter fencing around the original Clint landfill in order to meet the permit requirements for the new Clint landfill. Funding is available from landfill fees which have exceeded estimated revenue for Fiscal Year 2004.

Increase	\$200,000	to	34010296/PSWM000840403/403141	Landfill Fees
Increase	\$200,000	to	34010296/PSWM000840403/508001	LandImprvmnts

Motion made, seconded and unanimously carried to move to the regular agenda budget transfer BT2004-708 BUILDING & PLANNING SERVICES.

Motion made by Representative Cook, seconded by Representative Lozano and unanimously carried to approve budget transfer BT2004-708 BUILDING & PLANNING SERVICES

Representative Rojas requested further explanation.

Ms. Patricia Aduato, Deputy CAO for Building and Planning Services, explained that \$2 million from the Hotel/Motel tax monies would be utilized to improve the entrance and useable space for the Civic Center.

Mayor Joe Wardy commented on the deteriorating capping and lack of improvements to the fountains located at the Civic Center.

Mr. Bill Chapman, Deputy Chief Administrative Officer for Financial and Administrative Services, provided financial explanation.

Representative Cook requested that trees be integrated in the bid process.

Building and Planning Services proposes to appropriate \$2,000,000 to fund construction of Civic Center Capital Improvements.

Increase	\$2,000,000	to	57107100/P50156627456/407002	EstRev
Increase	\$1,700,000	to	57107100/P50156627456/508027	Construction
Increase	\$ 40,000	to	57107100/P50156627456/508024	Testing
Increase	\$ 40,000	to	57107100/P50156627456/508026	Inspections
Increase	\$ 195,000	to	57107100/P50156627456/508016	CntA&Desgn
Increase	\$ 20,000	to	57107100/P50156627456/508051	PrgMgtCEng
Increase	\$ 5,000	to	57107100/P50156627456/508022	Admin

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*Motion made, seconded and unanimously carried to approve the request of Ascarate Elementary to hold an end of the year Color Day parade on May 25, 2004 from 9:00 a.m. to 10:00 a.m. Route: Start at school yard on George Orr, turn left of Peach Tree to Croom, turn right on Croom to Date Tree, turn left on Date Tree to Coconut Tree, turn left on Coconut Tree to Granite, turn left on Granite to Croom, turn right on Croom to Peach Tree and finish at school yard on George Orr. Approximately 600 persons, 5 vehicles will take part and 200 spectators are anticipated. PERMIT NO. 04-036 [Grace Martinez]

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*Motion made, seconded and unanimously carried to approve the request of U.S.-Mexico Border Health Association to hold a 12th Annual Int'l AIDS Candlelight Vigil on May 16, 2004 from 8:00 p.m. to 8:30 p.m. (vigil starts at 7:00 p.m. to 8:00 p.m.) Route: Start at La Fe Cultural Center located on 721 S. Ochoa (rear) to Father Rahm, proceed on Father Rahm to Stanton, turn left on Stanton, proceed on Stanton towards the Stanton International Bridge. Approximately 200 persons will take part. PERMIT NO. 04-037 [Ruby A. Marentes or Apolonia Hernandez]

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*Motion made, seconded and unanimously carried to approve the request of Ronnie Oliver to block off Imperial Gem between Belfry Park and Blazon Gold on August 28, 2004 from 6:00 p.m. and ending at 1:00 a.m. on August 29, 2004 for a block party. Approximately 15 persons will take part and 550 spectators are anticipated. Barricades must be manned according to the State's "Manual of Uniform Traffic Control Devices." This request includes permission to use amplification (1 amplifier, 2 speakers, and 1 microphone). PERMIT NO. 04-038 [Ronnie Oliver]
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*Motion made, seconded and unanimously carried to approve the request of Iglesia de Dios Todopoderoso to block off S. Ochoa between 406 S. Ochoa and Third St. on June 19, 2004 and June 20, 2004 from 6:00 p.m. to 10:00 p.m. for a Christian revival block party. Approximately 14 persons will take part and 50-60 spectators are anticipated. Barricades must be manned according to the State's "Manual of Uniform Control Devices." This request includes permission to use amplification (2 medium J.B.L speakers, 6 microphones, and 1 amplifier). PERMIT NO. 04-039 [Alfredo Sanchez]

*Motion made, seconded and unanimously carried to approve the request of Lancaster Elementary School to block off Elgin Dr. between Spalding Way & Brandywine Rd; Brandywine Rd. between Elgin & Nottingham Dr. on May 13, 2004 from 9:00 a.m. to 10:30 a.m. for a book parade. Parade route: Start at 9230 Elgin Dr. to Brandywine, turn right on Brandywine Rd., to Nottingham, turn right on Nottingham to Excelsior Rd. and finish at the school playground at 9230 Elgin. Approximately 800 persons will take part and 100 spectators are anticipated. Barricades must be manned according to the State's "Manual of Uniform Traffic Control Devices." PERMIT NO. 04-040 [Angela A. Garcia]

Motion made by Representative Austin, seconded by Representative Cushing and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

- A. An Ordinance vacating a portion of Hawthorne Street out of Alexander Addition, an unrecorded map in the City of El Paso, El Paso County, Texas.
- B. An Ordinance granting a special privilege to The Central Business Association of El Paso, Inc., to permit temporary sidewalk vending for participating merchants within certain public rights-of-way in Downtown El Paso from May 26, 2004 through July 3, 2004. (Fee: \$100.00 per 3' x 9' vending area or \$200.00 per 6' x 9' vending area, SP-03009)

PUBLIC HEARING WILL BE HELD ON TUESDAY, MAY 25, 2004 FOR ITEMS A – B

- C. An Ordinance Granting Special Permit No. ZON04-00041, to allow for a philanthropic use on a Portion of Block 5, Martinez Homestead Addition, El Paso, El Paso County, Texas (205 Tobiin Place) pursuant to Section 20.14.040, and the penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. ZONE: R-5 (Residential). Applicant: El Paso Lighthouse, Inc./ Representative: Harry Tyler, Executive Director, 200 Washington St., El Paso, TX 79905.

PUBLIC HEARING WILL BE HELD ON WEDNESDAY, JUNE 2, 2004 FOR ITEM C

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

Motion made by Representative Lozano, seconded by Representative Cushing and unanimously carried to delete the discussion and action on entering into a pilot recycling program with Nortoner to collect, remove and transport, or dispose of the City's empty toner, fax, inkjet and photocopier cartridges through the setting up of collection containers in diverse locations in El Paso. This pilot program would serve a public purpose by providing a recycling opportunity after the recent public concerns regarding the lack of recycling efforts by the City of El Paso; any monies generated from this recycling effort are considered public funds; and the collections would fall within the legal requirements of a \$3,000.00 limit without calling for competitive bidding, as defined by Legal were considered together.

See discussion on page 8.

NOTE: This item was discussed together with the Resolution that the Mayor be authorized to sign a Contract with NORTONER to allow NORTONER to collect and recycle the City's used inkjet, toner and photocopier cartridges.

Motion made by Representative Cushing, seconded by Representative Rojas and unanimously carried to approve providing disability awareness and etiquette training to the Mayor and Council Representatives.

Mr. Eric Reed, Accessibility Advisory Committee representative, suggested that a disability awareness and etiquette training class be scheduled for the Council Members and that other subsequent training classes be scheduled for all City Departments. He answered questions from and responded to comments made by the Council Member Cushing.

Representative Power stated that the disability awareness and etiquette training classes would be beneficial as the City would be implementing a job carving program with TACE (Transition Adjustment and Career Education).

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*Motion made, seconded and unanimously carried to postpone one (1) week the Staff briefing on landfill operational and management issues.

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Motion made by Representative Cook, seconded by Representative Lozano and unanimously carried to direct the City Attorney's Office to bring back next week the introduction of an ordinance on the policy related to placing items on the additions to the agenda.

Discussed concurrent with the following:

1. Resolution that the Mayor be authorized to sign and submit a Grant Application to Bank of America on behalf of the City of El Paso in the amount of \$19,991.00 for the Mission Trail Harvest Market; and

That the Mayor's Office be authorized to furnish additional information that may be required by Bank of America in connection with the Grant Application for this Project; and

That the Mayor be authorized to execute, on behalf of the City of El Paso, any Grant Agreement and related documents, and any amendments to the initial Grant Agreement which increases or decreases funds, provided that no additional City funds are required, upon approval by Bank of America.
2. Authorization to allocate \$500 from District No. 6 Council Special Projects (discretionary funds) for Tres Pesetas, for disposal of waste tires fee in conjunction with the Great American Cleanup held on April 24, 2004.
3. Request authorization to allocate \$200.00 from District # 7 Discretionary Funds to the Lower Valley Library, to assist with the Children's Summer Reading Program Closing Reward Party.

Representative Cook and Mayor Joe Wardy explained their concerns about the Additions to the Agenda and multiple Additions to the Agenda and how these Additions affect City staff and the required postings.

Mayor Joe Wardy stated that he had initiated a proposal to change the Additions to the Agenda at the onset of his administration.

Mr. Jim Martinez, Chief Administrative Officer, provided additional information.

Representative Cobos recommended that a Legislative Review Committee of the Whole meeting be scheduled for further discussion on the matter.

Representative Cushing supported the 2:00 p.m. Thursday afternoon deadline and recommended that Mr. Martinez and Ms. Lisa A. Elizondo, City Attorney, prepare an Ordinance for introduction amending the deadline for placing items on the Agenda.

Representative Power commented that items placed on the Addition to the Agenda limit government participation due to lack of awareness.

Representative Austin requested that the Addition to the Agenda items be limited so as not to place a strain on City staff, requested definition of "Urgent Public Necessity" and requested a process for the expenditure of discretionary funds.

Representative Lozano commented that he would try diligently not to place items on the Addition to the Agenda.

Representative Rojas questioned placing items on the Addition to the Agenda for members of the public.

Ms. Richarda Duffy Momsen, City Clerk, explained that an Urgent Public Necessity item was defined by State statute and answered questions from and responded to comments made by the Council Members.

Ms. Terri Cullen-Garney, Deputy City Attorney, and Ms. Lisa A. Elizondo, City Attorney, gave legal advice.

Representative Cobos moved to direct the matter for discussion at a Legislative Review Committee of the Whole. Representative Cushing seconded. No vote was taken. Representative Cushing subsequently withdrew his second.

Mr. David Crowder, reporter for the **El Paso Times**, commented on the hardships experienced by the media due to posting of items on the Addition(s) to the Agenda.

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RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the dates of the following regular City Council meetings are changed as indicated below:

Tuesday, June 1, 2004 is changed to Wednesday, June 2, 2004
Tuesday, July 6, 2004 is changed to Wednesday, July 7, 2004

The time and location of the Meetings remain the same.

Ms. Richarda Duffy Momsen, City Clerk, explained that City department notifications would be properly adjusted.

Motion made by Representative Cook, seconded by Representative Cushing and unanimously carried to approve the above Resolution.

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RESOLUTION

WHEREAS, it is in the best interests of the health, safety, and welfare to proceed with projects duly authorized by passage of the 2000 Quality of Life and 2004 Bond Programs in a timely and efficient manner; and

WHEREAS, Council is able to further facilitate increased efficiency by authorizing such projects to proceed forward in bulk, versus individually;

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the departments of Building & Planning Services, Planning Research & Development, Engineering, and Building Permits & Inspections may accept and process, upon authorization from the Deputy Chief Administrative Officer for Building & Planning Services, any zoning-related, subdivision, vacation, or dedication related application or any other required permit applications on City property for the purpose of effecting any approved capital bond project under the 2000 Quality of Life and 2004 Bond Programs, and authorizing an expedited handling of such to meet project schedules.

Ms. Patricia Aauto, Deputy CAO for Building and Planning Services, requested that her signature suffice to expedite approved projects pertaining to the 2000 Quality of Life and 2004 Bond Programs, specifically, applications before the Building & Planning Services, Building Permits & Inspections, Engineering, and Planning, Research and Development Departments.

Motion made by Representative Cook, seconded by Representative Lozano and unanimously carried to approve the above Resolution.

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Pre-Qualification Requirements and Procedures, as related to the Selection Procedures for Third Party Plan Review Companies, pursuant to Section 18.02.101.4.9 of the El Paso Municipal Code, is hereby approved by the City Council of the City of El Paso as attached hereto as Attachment "A" (Attachment "A" on file in the City Clerk's Office).

See discussion for Ordinance 15779.

Motion made by Representative Cook, seconded by Representative Lozano and unanimously carried to approve the above Resolution.

NOTE: This resolution was discussed together with Ordinance 15779.

Motion made by Representative Austin, seconded by Representative Cook and unanimously carried to approve Conditional "B" building permits for Franklin Hills Unit 2 Subdivision with the finding of economic hardship.

Mr. Robert Gonzalez, engineer of record for Franklin Hills Unit 2 Subdivision, explained that the subdivision improvements were constructed and completed in accordance with the project documents.

Ms. Risher Gilbert, attorney representing Colony Partners L.P., requested that the Conditional "B" permits be issued due to economic hardship.
Representatives Cushing, Lozano and Cobos were not present for the vote.

Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to authorize the Planning, Research & Development Department to prepare and process an amendment to Title 20 (Zoning) of the El Paso Municipal Code, by adding churches as a permitted use in Chapters 20.34 (C-OP Office Park District), 20.46 (M-1 Light Manufacturing District), 20.48 (M-2 Heavy Manufacturing District), 20.50 (M-3 Unrestricted Manufacturing District), 20.53 (U-P Union Plaza District), 20.58 (P-C Planned Commercial District), and 20.60 (P-I Planned Industrial District).

Mr. Matt Watson, Assistant City Attorney, requested that the Ordinance be postponed one week.

Representative Austin was not present for the vote.

NOTE: Ordinance was revised.

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ORDINANCE 15779

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 18 (BUILDINGS AND CONSTRUCTION), CHAPTER 18.02 (BUILDING AND CONSTRUCTION ADMINISTRATIVE CODE), OF THE EL PASO MUNICIPAL CODE, TO ADD SECTION 18.02.101.4.9 (SELECTION PROCEDURES FOR THIRD PARTY PLAN REVIEW SERVICES) TO PROVIDE FOR THE REVIEW OF PLANS AND PERMIT DOCUMENTS BY APPROVED THIRD PARTY COMPANIES AND TO ENUMERATE A SELECTION PROCEDURE FOR SAID COMPANIES.**

Mr. R. Alan Shubert, Director of Building Permits and Inspections, presented the Ordinance for the Council Members' approval and answered questions from and responded to comments made by the Council Members.

Representative Austin moved to amend the Ordinance language in Section 18.02.101.4.9.2 "a company must be pre-qualified prior to submission of the plan review". Representative Cobos seconded.

AYES: Representatives Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas, and Cobos

Ms. Lisa A. Elizondo, City Attorney, explained the voting process regarding amending documents.

Representative Austin requested clarification regarding the "Conflict of Interest" language written in the Ordinance.

Ms. Patricia Adatao, Deputy CAO for Building and Planning Services, explained that the Conflict of Interest language was specific to the project.

Ms. Teresa Garcia, Assistant City Attorney, provided legal advice and answered questions from and responded to comments made by the Council Member Austin.

The following individuals spoke in favor of the Ordinance:

Ms. Michele Kirchner, Metro Code Analysis;

Mr. Randy Bowling, Vice President of the El Paso Association of Builders; and

Mr. Ray Adatao, Executive Vice President and Executive Officer of the El Paso Association of Builders.

Motion made by Representative Austin, seconded by Representative Cobos and unanimously carried to amend the second sentence of Section 18.02.101.4.9.2 Pre-Qualification of Companies to read as follows:

In order to be considered as a provider of plan review services for a municipal project for the city, a company must be pre-qualified prior to submission of the plan review.

The City Clerk called for any further public comment. There was not any further public comment.

Motion duly made by Representative Cook, seconded by Representative Lozano, that the Ordinance be adopted as amended. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

NOTE: This item was discussed together with the Resolution that the Pre-Qualification Requirements and Procedures, as related to the Selection Procedures for Third Party Plan Review Companies, pursuant to Section 18.02.101.4.9 of the El Paso Municipal Code, is hereby approved by the City Council of the City of El Paso as attached hereto as Attachment "A".

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ORDINANCE 15780

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A SPECIAL PRIVILEGE TO TRADE KEY, LTD, PERMITTING THE ENCROACHMENT ONTO PUBLIC RIGHTS-OF-WAY WITH ONE (1) SUBSURFACE DRAINAGE EIGHTEEN INCH (18") TYPE III RCP (REINFORCED CONCRETE PIPE) ALONG VENTURE DRIVE.**

Mr. Raymond Bonilla, Building Permits & Inspections, gave a Powerpoint presentation and noted that the Ivey family owned that property.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Escobar, seconded by Representative Cushing, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
ORDINANCE 15781

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A SPECIAL PRIVILEGE TO "RX" SIN RECETA LLC, TO PERMIT THE TEMPORARY USE AND CLOSURE OF A PORTION OF THE TWO WESTERN LANES OF THE ZARAGOSA INTERNATIONAL BRIDGE; AND TO INTERMITTENTLY CONTROL PUBLIC RIGHTS-OF-WAY IN THE ALLEY BETWEEN OREGON STREET AND EL PASO STREET AND THE ALLEY BETWEEN THIRD AVENUE AND SIXTH AVENUE; AND TO INTERMITTENTLY CONTROL THE INTERSECTION OF FATHER RAHM AVENUE AND EL PASO STREET FOR THE PURPOSE OF FILMING A MOTION PICTURE ON MAY 21, 22, 24, 25, 26, 27, 2004.**

Mayor Joe Wardy questioned whether or not the U. S. Customs office had approved the closure of the two lanes on Zaragosa International Bridge.

Mr. R. Michael Charske, Location Manager, provided the Council explanation for the use of the lanes on the bridge for filming the movie "Sin Receta".

Mr. Alan Shubert, Director of Building Permits and Inspections, noted that the Ordinance caption would be require revision.

Mr. Raymond Bonilla, Building Permits & Inspections, read the revisions of the Ordinance caption into the record.

Motion duly made by Representative Cook, seconded by Representative Escobar, that the Ordinance be adopted as amended. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

Motion made by Representative Cobos, seconded by Representative Power to reconsider the Ordinance.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cook, seconded by Representative Escobar, that the Ordinance be adopted as amended. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

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ORDINANCE 15782

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE 8065, CIVIL SERVICE RULES AND REGULATIONS, RULE 15, SUSPENSION, REDUCTION AND DISCHARGE, TO ADD SECTION 6, TO ALLOW EMPLOYEES TO FORFEIT ANNUAL LEAVE IN LIEU OF SERVING A SUSPENSION PROVIDED THAT APPEAL RIGHTS ARE WAIVED.**

Representative Cook moved to amend the Ordinance language as: "that the Department Head to determine whether or not the Department Head would accept the use of annual leave in lieu of suspension, subject to appeal to the Civil Service Commission".

Representative Power amended his motion to include the following: "allow for the Department Head to determine whether or not they would accept the annual leave in lieu of the actual, physical suspension".

The Council Members asked questions of Ms. Terry A. Bond, Director of Human Resources, Ms. Lupe Cuellar, Deputy City Attorney, and Mr. Jim Martinez, Chief Administrative Officer.

The City Clerk called for public comment.

Mr. Daryl Cole, Street Director, commented on the negative impact this change could have on Departmental operations.

There was no other public comment.

Motion duly made by Representative Power, seconded by Representative Escobar, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Escobar and Cobos
NAYS: Council Members Power and Rojas Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

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ORDINANCE 15783

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF TRACT 6A1 AND A PORTION OF TRACT 6D, BLOCK 9, UPPER VALLEY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS FROM R-F (RANCH AND FARM) TO R-2 (RESIDENTIAL) AND IMPOSING CERTAIN CONDITIONS. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Mr. Fred Lopez, Planning, Research and Development, gave a Powerpoint presentation and noted that the DCC (Development Coordinating Committee) and CPC (City Plan Commission) had recommended approval with the condition that the gross density shall not exceed 2.5 dwelling units to the acre.

Ms. Mary Frances Keisling, Save the Valley representative, thanked the Council for working out an acceptable solution.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Austin, seconded by Representative Cushing, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
*Motion made, seconded and unanimously carried to postpone six (6) weeks a public hearing to determine if the property located at 700 E. Third Avenue AKA 502 S. Florence Street, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated September 5th, 2003. The owners of this property, Adolfo J. & Alexandro Avila, 8445 New Haven Drive, El Paso, Texas 79907, have been notified of the violations at this property. Property located at 502 S. Florence has delinquent taxes in the amount of \$205.65.

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*Motion made, seconded and unanimously carried to postpone four (4) weeks a public hearing to determine if the property located at 7429 Rose Circle, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated September 11th, 2003. The owners of this property, Teresa L. Lerma and Eduardo N. Lerma, 1417 Montana Avenue, El Paso, Texas 79902, have been notified of the violations at this property. Delinquent taxes in the amount of \$858.64 for year 2003.

*Motion made, seconded and unanimously carried to postpone four (4) weeks a public hearing to determine if the property located at 7202-7204 North Loop Drive, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated December 8th, 2003. The owner of this property, Gonzalo Gonzalez, Owner, 7202-7204 North Loop Drive, El Paso, Texas 79915 and Gonzalo Gonzalez, Owner, 7221 North Loop Drive, El Paso, Texas 79915, has been notified of the violations at this property. Delinquent taxes in the amount of \$0.

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ADDITION TO THE AGENDA

Motion made, seconded and unanimously carried to move to the regular agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign and submit a Grant Application to Bank of America on behalf of the City of El Paso in the amount of \$19,991.00 for the Mission Trail Harvest Market; and

That the Mayor's Office be authorized to furnish additional information that may be required by Bank of America in connection with the Grant Application for this Project; and

That the Mayor be authorized to execute, on behalf of the City of El Paso, any Grant Agreement and related documents, and any amendments to the initial Grant Agreement which increases or decreases funds, provided that no additional City funds are required, upon approval by Bank of America. In-kind matching funds only

Motion made by Representative Austin, seconded by Representative Rojas and unanimously carried to approve the above Resolution.

.....
Motion made, seconded and unanimously carried to move to the regular agenda the authorization to allocate \$500 from District No. 6 Council Special Projects (discretionary funds) for Tres Pesetas, for disposal of waste tires fee in conjunction with the Great American Cleanup held on April 24, 2004.

Motion made by Representative Austin, seconded by Representative Rojas and unanimously carried to authorize to allocate \$500 from District No. 6 Council Special Projects (discretionary funds) for Tres Pesetas, for disposal of waste tires fee in conjunction with the Great American Cleanup held on April 24, 2004.

.....
Motion made, seconded and unanimously carried to move to the regular agenda the request for authorization to allocate \$200.00 from District # 7 Discretionary Funds to the Lower Valley Library, to assist with the Children's Summer Reading Program Closing Reward Party.

Motion made by Representative Austin, seconded by Representative Rojas and unanimously carried to authorize to allocate \$200.00 from District # 7 Discretionary Funds to the Lower Valley Library, to assist with the Children's Summer Reading Program Closing Reward Party.

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No action was taken on the discussion and action concerning the status of the appointments and filling of positions on the Plumbing Board of Appeals, Electrical Board of Appeals, and Building Board of Appeals, including, but not limited to, discussion and action related to what action/s of City Council, if any, are required to ensure the proper staffing of positions on the referenced Boards.

Mr. Alan Shubert, Director of Building Permits and Inspections, recommended that the Plumbing, Electrical and Building Boards of Appeals be combined as one.

Mr. Randy Bowling, Vice President of the El Paso Association of Builders, questioned the appeal process and noted that members of the plumbing community had issues in combining the three Boards.

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RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Interlocal Agreement between the City of El Paso and the County of El Paso for the Sale of Land and the Construction of a Parking Garage at 210 S. Campbell Street, El Paso, El Paso County, Texas.

Mr. Byron Johnson, Director of Purchasing, commented that the City was ready to move forward and answered questions from and responded to comments made by the Council Member Cobos.

Mr. Jim Martinez, Chief Administrative Officer, commented on discussions with the County of El Paso regarding the adjacent alley.

Motion made by Representative Cook, seconded by Representative Cushing and unanimously carried to approve the above Resolution.

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Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 1:04 p.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following:

- Section 551.071 CONSULTATION WITH ATTORNEY
- Section 551.072 DELIBERATION REGARDING REAL PROPERTY
- Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS
- Section 551.074 PERSONNEL MATTERS
- Section 551.076 DELIBERATION REGARDING SECURITY DEVICES
- Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the following:

- A.** Petition of El Paso Electric Company to Reconcile Fuel Costs; PUC Docket 26194; SOAH Docket No. 473-03-0278. (551.071)
- B.** Jack Briggs v. City of El Paso, Cause No. 2002-896 (551.071)

Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried to adjourn the Executive Session at 1:39 p.m. and reconvene the meeting of the City Council, during which time motions were made as follows:

Representatives Austin, Lozano and Rojas.

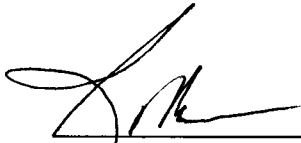
.....
Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried that the attorneys representing the City in the Petition of El Paso Electric Company to Reconcile Fuel Costs, PUC Docket Number 26194 at the Public Utility Commission of Texas are not authorized to file a Motion for Rehearing and an appeal to District Court.

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Motion made by Representative Cobos, seconded by Representative Cushing and carried that the City Attorney be authorized settlement authority in the lawsuit entitled Jack Briggs v. City of El Paso, Cause No. 2000-896, as recommended by the City Attorney, and that the Office of the City Attorney is hereby authorized to prepare and execute all necessary documents to release and dismiss all claims against the City of El Paso.

AYES: Representatives Austin, Cushing, Cook, Power, Escobar, Rojas and Cobos
NAYS: Representative Lozano

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Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to
adjourn this meeting at 1:41 p.m.
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APPROVED AS TO CONTENT:



Richarda Duffy Momsen, City Clerk